

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CARLOS J. HERNANDEZ,

Plaintiff,

v.

Case No. 1:17-CV-327

WILLIE SMITH, et al.,

HON. GORDON J. QUIST

Defendants.

ORDER ADOPTING REPORT AND RECOMMENDATION

On October 30, 2018, Magistrate Judge Kent issued a Report and Recommendation (R & R) recommending that the Court grant Defendants' motion for dismissal of Plaintiff's action as a sanction for his failure to attend his deposition. The Court has reviewed the R & R. The R & R was sent to Plaintiff on October 31, 2018. After Plaintiff notified the Court that his address had changed, the R & R was resent to Plaintiff on November 14, 2018. No objections have been filed pursuant to 28 U.S.C. § 636(b). Therefore, the Court will adopt the R & R.

THEREFORE, IT IS HEREBY ORDERED that the October 30, 2018, Report and Recommendation (ECF No. 78) is approved and adopted as the Opinion of the Court.

IT IS FURTHER ORDERED that Defendants' motion to dismiss Plaintiff's case as a sanction for failing to appear at his deposition is **GRANTED** for the reasons set forth in the R & R.

A separate judgment will enter.

This case is **concluded**.

Dated: December 17, 2018

/s/ Gordon J. Quist
GORDON J. QUIST
UNITED STATES DISTRICT JUDGE